

# LEAVE MANUAL - 3165

**PURPOSE** This manual provides Agency policy and procedures for administration of leave benefits developed within legal and regulatory requirements. (For employees covered by a collective bargaining agreement, the agreement will prevail over this manual.)

**REFERENCES** a. Title 5, United States Code, Government Organization and Employees.

1. Definitions - Section 6301
2. General Provisions - Section 6302
3. Annual Leave Sections 6303-6304, 6306
4. Home Leave - Section 6305
5. Sick Leave - Section 6307
6. Court Leave - Section 6322
7. Military Leave - Section 6323
8. Absence Due to Hostile Action Abroad Section - 6325
9. Funeral Leave - Section 6326
10. Holidays - Sections 6103, 6104
11. Lump Sum Leave Payments - Sections 5551, 5552, 6306

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# CHAPTER 1 - GENERAL

## PURPOSE

To provide Agency policy and procedures with regard to the administration of leave benefits, under statute regulation.

## REFERENCES

- a. Title 5, United States Code, Government Organization and Employees.
  - 1. Definitions - Section 6301
  - 2. General" Provisions - Section 6302
  - 3. Annual Leave - Sections 6302 - 6304, 6306
  - 4. Sick Leave - Sections 6302, 6307
  - 5. Home Leave - Sections 6305
  - 6. Holidays - Sections 6103, 6104
  - 7. Lump Sum Leave .Payments : Sections 5551 - 5552, 306
  - 8. Absence Due to Hostile Action Abroad Section 6325
  - 9. Funeral Leave - Sections 6321 - 6326
  - 10. Court Leave - Section 6322
  - 11. Military Leave - Section 6323
- b. Federal Personnel Manual
  - 1. Basic Manual, Chapter 630, Absence and Leave.
  - 2. Supplement 990-2, Book 630, Absence and Leave.

## COVERAGE

Except for the categories of personnel listed below, all officers and employees of the Agency are entitled to leave benefits in accordance with the provisions of this Manual.

- a. Part-time and intermittent employees for whom there has not been established in advance a regular tour of duty on one or more ,days during each workweek.
- b. Temporary employees engaged in construction work at hourly rates.
- c. Temporary employees whose appointments are for less than 90-days.
- d. Employees appointed without compensation.
- e. Employees. paid on a "fee" basis (because they are not compensated on a time basis).
- f. Public Health Service Commissioned Corps personnel; and
- g. Officials appointed or designated by the President.

## ADMINISTRATION

The Agency leave program is administered on a uniform basis within the scope of laws and regulations, and in accordance with the provisions of this Manual. Whenever

legislative, regulatory, or other legal changes invalidate any portion of the material in this manual, that portion will no longer apply.

a. Authority to Approve Leave

1. First line supervisors are authorized to "approve the various types of leave for the employees whom they supervise unless they are notified in writing that the authority is retained at a higher organizational level.
2. This authority does not extend to requests for leave without pay to serve with a labor union which, must be approved by the Director, Personnel Management Division, or for leave without pay for more than 24 months which must be approved by the Administrator or designee.

b. Authority to Approve Exigencies of the Public Business Necessitating Annual Leave Forfeiture. The Administrator, the Deputy Administrator, Assistant Administrators, Associate Administrators, General Counsel, Inspector General, Regional Administrators, Office Directors, Heads of Staff Offices in the Office of the Administrator, Laboratory Directors, and Deputy Regional Administrators, or their designees have authority to make determinations that particular work situations in the offices under their jurisdiction are of sufficient urgency to require the cancellation of scheduled leave which will be forfeited. An official who approved the annual leave of an employee cannot make the determination with regard to an exigency which would require cancellation of the leave, neither can an employee make the determination as to an exigency when their own leave would be affected.

c. Responsibility.

1. Agency officials authorized to approve leave shall administer leave in compliance with this Manual.

They are responsible for:

- a. Advising employees on leave matters;
  - b. Planning with employees for the use of annual leave so that leave is not forfeited;
  - c. Approving or disapproving leave requests;
  - d. Assuring that absences are properly charged;
  - e. Establishing appropriate measures to control absenteeism;
  - f. Identifying abuse of leave and taking corrective action; and
  - g. Requesting interpretation of Agency guidance and advice on leave problems as needed from servicing personnel offices.
2. Agency officials authorized to approve exigencies resulting in the forfeiture of annual leave are responsible for exercising such authority based on valid operational demands and in accordance with the provisions (subparagraph 7b, chapter 2,) of this Manual.
  3. Except as provided in paragraph 6 below, employees shall not be permitted to certify or approve their own time and attendance report (See, GAO Manual, VO1, 4, Title 6, Section 16.2).

### **EXPENSE OF REQUESTS FOR LEAVE**

The costs of telegrams or telephone calls incurred while making application for leave of absence, extension of leave, or for similar purposes, and replies to such applications must be paid for by the employee.

### **APPROVAL OF LEAVE FOR KEY OFFICIALS**

Regional Administrators, Heads of Staff offices and other officials reporting directly to the Administrator or designee are authorized to sign and approve their own Applications for Leave, Standard Form 71. They must, however, make certain that the appropriate higher level official has been advised of the time and duration of their absence.

# CHAPTER 2 - ANNUAL LEAVE

## USE OF LEAVE

Annual leave is earned and credited beginning with an employee's appointment, if the appointment is for 90 days or longer. It may be used as soon as it is accrued when properly requested and approved. Supervisors and managers should plan with the employees they supervise for the use of leave so as to insure the continuity of work without loss of efficiency. When employees can be spared from duties, leave will be granted, especially when personal emergencies occur. It is a joint responsibility of the supervisor and the employee to assure that annual leave is scheduled and granted so that no employee is required to forfeit leave.

## APPROVAL OF LEAVE

### a. Requests for Leave.

1. Except in emergencies, the use of leave shall be planned and requested in advance of the absence. Requests for leave shall be considered in light of current and anticipated workloads and with regard for the welfare and preference of individual employees.
2. In emergency situations, an employee must notify the supervisor before or as soon as possible after the scheduled time to report for work (normally not more than one hour) to explain the circumstances and request approval for the absence. The employee should usually be advised at the time the request is made as to whether leave is approved.
3. An employee who fails to request and obtain approval for an absence without a good, reason acceptable approving officer may be charged absence without leave.

### b. Leave Prior to Separation.

1. Terminal Leave. When it is known in advance that an employee's Federal service will terminate at the end of a requested leave period, annual leave shall not be granted unless an exigency of the Agency requires such an action.
2. Disability Retirement Pending. Annual leave may be granted to an employee whose claim for disability retirement is pending after all sick leave is exhausted. When all sick leave has been exhausted the employee's separation must be effected on the date the Agency receives notice of the approval of the claim.
3. Leave in a Reduction-in-Force Situation. During the notice period of separation by reduction-in-force, requests for annual leave should be granted. Absences for interviews with prospective employers outside EPA shall be charged to compensatory time, annual leave, or leave without pay in that order.
4. Substitution of Annual for Sick Leave. Annual leave may not be substituted for sick leave previously granted and documented where the

substitution is solely for the purpose of avoiding forfeiture of annual leave. Annual leave may be substituted for advanced sick leave.

5. Suspension for Disciplinary Reasons. Leave may not be granted for any part of a suspension.
- c. Advanced Annual Leave. All employees except those whose appointments are for less than 90 days may be granted the use of the leave which "it is anticipated will be earned by the close of the current leave year. Only the amount of leave which will be earned during the remainder of the current leave year, during the term of a temporary appointment, or prior to the date of a separation for any reason may be advanced. All leave restored to an employee in a separate leave account as provided in paragraph 7, must be used before any" annual leave may be advanced.
- d. Enforced Annual Leave.
  1. An employee may be placed on annual leave with or without giving consent under the following circumstances:
    - a. If there is no accrued sick leave and the employee or the employee's personal physician states the employee is incapacitated for official duties or where there is other medical or reasonable evidence that the employee's presence on the job would be considered hazardous to the employee or fellow workers.
    - b. In emergency situations, e.g., breakdown or overhaul of equipment, power failures, where the period of absence exceeds five working days; and
    - c. When there is a lack of work or funds.
  2. Employees may not be placed on enforced leave as a disciplinary measure or in lieu of formal suspension or immediately prior to or during a period of advance notice of an adverse action.
  3. Any, action to place an employee or employees on enforced annual leave shall be taken only after clearance with the servicing personnel officer. A written notice must be given to each individual concerned and a copy of the notice "filed in the individual's official personnel folder.

## ACCRUAL

The amount of annual leave earned by employees is based on their years of creditable Federal civilian and military service. A change in the annual rate of accrual is effective at the beginning of the new pay period following the Pay period in which an employee completes the years of service required. Temporary employees whose appointments are for less than 90 days do not accrue leave. However, if their appointments are extended a total of 90 days of continuous service is completed, they eligible for retroactive credit for leave from the date of initial appointment.

- a. Full-Time Employees. Full-time employees shall earn be credited with leave as follows:
  1. Four hours for each full biweekly pay period in the case of employees with less than three years of service (annual accrual rate of 13 days).

2. Six hours for each full biweekly pay period, except that the accrual for the last full biweekly pay period in the calendar year shall be ten hours, in the case of employees with three but less than fifteen years of service (annual accrual rate of 13 days).
  3. Eight hours for each full biweekly pay period in the case of employees with fifteen years or more of service (annual accrual rate of 26 days).
- b. Part-Time Employees. Part-time employees shall earn and be credited with leave as follows:
1. One hour of leave for each 20 hours in spay status in the case of employees with less than 3 years of service.
  2. One hour of leave for each 13 hours in a pay status in the case of employees with 3 but less than 15 years of service.
  3. One hour of leave for each 10 hours in a pay status in the case of employees with 15 years or more of service.
- c. Full Biweekly Pay Period. Leave accrues to an employee during each full biweekly pay period while in "a pay status or in a combination of pay and nonpay status. Leave does not accrue during a period of leave granted prior to separation which may be included in a lump sum leave payment (see subparagraph 2b(1) above.) ,nor does it accrue for any period for which a lump sum payment is made. During the leave year, for each 80-hour period in a non-pay status an employee does not earn leave.
- d. Partial Pay Periods
1. Leave does not accrue for a fractional part of a pay period at the beginning or end of an employee's period of Federal service except when a fractional part of a pay period immediately precedes and/or follows:
    - a. A period of nonpay status when an employee is receiving disability compensation;
    - b. Transfer to international organizations with statutory re-employment rights;
    - c. Entrance into or return ,from military service
    - d. Conversion from full-time to part-time employment and vice versa; and
    - e. Transfer to or,from another agency when there is a change in the date of an employee's pay period.
  2. Leave credited under the above circumstances, for a fractional part of a pay period will be prorated as follows:

Number of Days Worked in a BiWeekly Pay Period	Number of Hours Earned Based on		
	Biweekly Accrual Rate of:		
	*4 Hrs	6 Hrs	8 Hours
1	1	1	1
2	1	1	2
3	1	2	2
4	2	2	3

5	2	3	4
6	2	4	5
7	3	4	6
8	3	5	6
9	3	5	7
10	4	6	8

- e. *\*This column may also be used for pro-rating sick leave accruals.*
- f. Computation of Part-Time Earning Rates. In computing the leave earned by part-time employees, the number of hours in a pay status, which does not equal the number needed for a minimum credit of one hour is carried forward, from one pay period to another. If an employee changes to a full time status, however, and has insufficient service credit, to earn the minimum of one hour, the fractional hours of service are lost solely because of the status change. Hours worked (in a pay status) in excess of the basic working hours (40 hours) in any workweek shall not be used in computing leave earned by part-time employees.

#### **INDEBTEDNESS FOR ADVANCED ANNUAL LEAVE.**

Upon separation from the Federal service, employees are indebted for any advanced leave which they have used and have not earned prior to separation. The employee shall refund the cash value of leave advanced, or the amount due for advanced leave will be collected in accordance with appropriate accounting procedures. A refund is not required in the case of retirement for disability, or separation by death or disability (supported by an acceptable medical certificate), or entrance on active military duty with restoration rights. Compensatory time granted in lieu of overtime may not be used to offset a balance of advanced annual leave.

#### **MAXIMUM ACCUMULATION**

Except for certain employees serving outside, the United States (50 States) and SES employees, the maximum amount of annual leave that can be carried forward to the next leave year is 30 days. Those employees who had accumulated annual leave in excess of 30 days before the present 30 day limitation was, established may keep and carry forward those amounts of leave into succeeding years until they use it. Leave earned during a leave year in excess of the maximum amount which may be carried over into the following leave year must be used, or it will be forfeited, unless the forfeiture results, from an administrative error, an exigency of the public business or the illness or injury of the employee (see paragraph 7 below).

#### **WAIVER OF ANNUAL LEAVE**

All employees who has been erroneously granted more leave than that to which he was entitled because of an administrative error and who had no reasonable way of detecting the error may request a waiver of any repayment claim. (See, EPA Order 3155.1).



## RESTORATION OF ANNUAL LEAVE

- a. Leave Forfeited or Not Credited Because of Administrative Error.
  - 1. When an administrative error has been made which resulted or will result in the loss of annual leave, the leave record must be adjusted to provide the proper leave credit. Leave in excess of the maximum accumulation allowable must be scheduled and used prior to the close of the leave year when the discovery of the error occurs early enough to permit such use. When the error is discovered so late during the leave year that there is insufficient time for the excess leave to be used, the leave will be placed in a separate leave account when the supervisor submits EPA Form 3160-2, Figure 2-1; to the servicing personnel office certifying that the leave could not be scheduled and used and giving the reason why. The leave must be used within the time limits discussed in subparagraph below. If the excess leave resulting from the discovery of the error may not be used because of an exigency of the public business, the forfeited leave may be restored to the employee if the procedure in subparagraph b below is followed.
  - 2. An employee request for correction of an administrative error affecting current leave accruals or for retroactive restoration of annual leave otherwise accruable after June 30, 1960, but forfeited because of an administrative error, must be submitted to the appropriate servicing personnel officer. The request must be in writing and must state clearly and specifically the basis for the request. Supporting records documents, and estimates of the leave forfeited accompanied by official statements clearly reflecting the factors forming the basis for the estimates should be submitted with the request. The servicing personnel officer will review the request, determine the error and corrective action, if any, in coordination with the Payroll Office, and inform the employee in writing. The personnel officer will also inform the appropriate supervisor of the amount of leave to be used and the requirements regarding its use upon restoration.
  - 3. When an administrative error is discovered by the servicing personnel officer or the Payroll Office, both the employee and the supervisor will be informed as provided subparagraph a. (2) above.
  - 4. The supervisor must insure that the leave is used as soon as possible.
- b. Leave Forfeited Because of Exigencies of the Public Business.
  - 1. When leave which would exceed an employee's maximum allowable accumulation and which was scheduled in writing prior to the beginning of the the third biweekly pay period before the end of the leave year is canceled because of work exigencies, and the leave or any portion cannot be rescheduled prior to the end of the leave year, the leave forfeited as a result may be restored to the employee in a separate leave account and must be used within the time limits discussed in subparagraph d below.
  - 2. A supervisor or management official who believes that a work assignment is of such importance that an employees leave must be cancelled, though the cancellation will result in the leave being forfeited, is responsible for

obtaining approval of the exigency of the work, from the appropriate official at a higher level who has been delegated approval authority in subparagraph 4b, Chapter 1, of this Manual prior to the cancellation of the approved leave. The request must contain the following information:

- a. A statement of the work requirements and situation precipitating the exigency and the specific beginning and ending dates of the exigency period.
  - b. A statement of reasonable alternatives, or that there are none, to the cancellation of the leave or portion of leave of the particular employee(s) and why the alternatives cannot be used.
  - c. The document (e.g., SF-71) which contains the written request for the leave which has been "approved and would be forfeited.
  - d. A statement as to the dates in the next leave year (usually during the first six months) when it is anticipated that the forfeited leave will be used.
3. The appropriate Agency official will review the request and supporting information, and inform the requesting official in writing of approval or disapproval.
  4. After the end of the leave year the supervisor who cancelled the leave of an employee because of an exigencies must submit EPA Form 3160-2, Restoration of Forfeited Annual Leave, Figure 2-1 to the servicing personnel office certifying that the employee is eligible for restoration of the leave. A copy of the approval of the exigency by a designated official must accompany the form.
  5. The supervisor who cancels the leave must insure that the forfeited leave is used within time limits established in subparagraph 7d below.
  6. When a portion of the requested leave could have been used, that amount of leave will not be restored.
- c. Leave Forfeited Because of Illness or Injury of the Employee
1. When a period of absence because of illness or injury occurs late in the leave year or is of such duration that annual leave previously scheduled in advance cannot be rescheduled before the end of the leave year, an employee may request restoration of the annual leave which will be forfeited. Any portion of the requested annual leave which could have been used except for the illness or injury, will not be restored.
  2. An employee requests to substitute sick leave for previously scheduled annual leave and for the restoration of the annual leave which will consequently be forfeited must be submitted in writing to the supervisor or management official who approved the annual leave. The request must state the anticipated length of the absence, the amount of annual leave which will be forfeited, and the time if possible during the first six months of the next leave year the employee would use the restored leave. If the absence is for more than three days the request must be accompanied by a medical certificate completed by a physician or other administratively acceptable evidence.

3. The supervisor will review the request and notify the employee in writing of approval or disapproval.
  4. At the end of the leave year, the supervisor must submit EPA Form 3160-2, Restoration of Forfeited Annual Leave, Figure 2-1; to the servicing personnel office certifying the employee's eligibility for the restoration of the forfeited annual leave. It must be accompanied by a copy of the written request for the annual leave which had been approved and was forfeited, the request for the substitution of sick leave for the annual leave, the medical certificate, if appropriate, and a copy of the notice of written approval to the employee as required in subparagraph (3) above.
- d. Time Limits for Use of Restored Leave. The Office of Personnel Management has established a time limit within which leave restored under the provisions of paragraphs a, b, and c above must be used. The time periods vary in accordance with the following:
1. The date the annual leave was restored in correcting an administrative error;
  2. The date fixed by Agency management as the termination of the exigency that resulted in the forfeiture of the annual leave;
  3. The date the employee is determined to be recovered from an illness or injury and is able to return to work.
- e. The time limit is determined by the number of years or parts thereof, that the exigency of the public business responsible for the restoration of leave existed, (See, FPM Btn. 630-44, 8/85).
- f. Payment for Unused Restored Leave. Any restored annual leave maintained in a separate account and unused at the time of separation from the Federal service, if the separation occurs prior to the expiration of the two-year limit, must be included in an employee's lump-sum leave payment.
- g. Leave Following Unjustified Personnel Actions. Unjustified or unwarranted personnel actions are not considered administrative errors. Accordingly, annual leave restored following the cancellation of such actions may not exceed the maximum amount that the employee could carry over from year to year.

## CHARGING ANNUAL LEAVE

- a. Minimum Charge. The minimum charge for annual leave is one hour and additional charges are in multiples of one hour. When the leave charge exceeds the period of absence, an employee may not be required to work during any part of the period for which he is charged leave. Each period of absence must be considered individually on a calendar day basis. Absences over a period of two or more days may not be totalled to round out a leave charge.
- b. Part-Time Employees. Leave is charged only for absences occurring on the hours and days regularly scheduled for duty.
- c. Holidays and Non workdays. Leave may not be charged for absence, on legal holidays, regular non-workdays, or during periods when overtime has been scheduled.

- d. Excessive Time Used for Official Travel. If an employee, while on official travel, travels by an indirect route, or uses a mode of transport, transportation which requires more time than authorized for the travel involved for personal reasons, annual leave or leave without pay may be charged for the excess travel time. The amount of leave to be charged shall be determined in accordance with the EPA Travel Manual.

#### **TRANSFER OF ANNUAL LEAVE**

- a. Leave credits, including restored leave, as provided in paragraph 7d, of this Chapter, and leave charges are transferred when an employee is appointed, reappointed, or transferred without a break in service to another position under the same leave system.
- b. An employee who enters on active duty in the Armed Forces or transfers to a position in a public international organization may receive a lump-sum payment for accumulated annual leave or may elect to have the leave remain to his credit for use when he returns to his position. Any unused restored leave in a separate account must, however, be liquidated by lump-sum payment at the time of separation.

# CHAPTER 3 - SICK LEAVE

## USE OF LEAVE

- a. Sick leave is available for use when absence from work is necessary treatment, for the following reasons:
  1. Illness, injury, and confinement;
  2. Medical, dental, or optical examinations or including treatment or rehabilitation for alcoholism and drug abuse; and
  3. When a Public Health authority has determined that a family member has a contagious disease and requires the care and attendance of the employee, or when, through exposure to a contagious disease, the Public Health authority has determined that the employee's presence at work could "jeopardize" the health of other employees.
- b. Sick leave may not be used for rest, minor indispositions or to supplement annual leave or to care for other individuals except as described in la. (3) above.
- c. Supervisors who have been delegated authority to approve leave are responsible for determining the acceptability of evidence of incapacitation for duty and may use such means as are reasonable and necessary in determining whether sick leave should be granted.

## APPROVAL OF LEAVE

### Requests for Leave

1. Absence for Illness. Employees who must be absent duty because of illness and who want to be charged leave for the period of illness must follow the procedures stated below. Failure to follow these procedures may result in disciplinary action.
  - a. Notify their supervisors of the illness before, or as soon as possible after the time they are scheduled to report for duty (normally not more than two hours) or before leaving work during normal duty hours because of illness.
  - b. Request approval of sick leave for the absence, and indicate, if possible, when they expect to be able to return to duty.
  - c. For absences of three workdays or less, initial the time and attendance report or complete Standard Form 71, as directed by the supervisor. For absences of more than 3 workdays, submit a medical certificate completed by a physician (SF-71) or other acceptable evidence, or a signed statement giving the reason why a physician was not consulted.
2. Absence for Prearranged Examination or Treatment. Approval must be obtained from the supervisor prior to any absence for the purpose of medical, dental, or optical examination or for any prearranged treatment, in order for the absence to be charged to sick leave.
3. Sick Leave and Outside Employment. Normally, an employee who is unable to work in the Agency because of illness or injury will not be in condition for working elsewhere. There are, however, rare cases, generally involving extended

periods of illness or confinement, where there is acceptable justification for outside employment by an employee while on sick leave. An employee who wishes to engage in outside employment within a period of sick leave must notify the supervisor who approved the sick leave and obtain approval.

4. Sick Leave During Travel Status. An employee who becomes incapacitated for duty because of illness or injury while on official travel should notify the supervisor of the illness as soon as practicable.
5. Disabled Veteran. A disabled veteran shall be granted any leave needed for medical treatment related to the service incurred disability. This may be sick leave, annual leave, and/or leave without pay. To be eligible for leave, however, the disabled veteran must furnish an official statement from a properly licensed medical practitioner, or from a medical officer of a Government hospital, specifying that such treatment is necessary, and give prior notice of definite days and hours of absence required for medical treatment. Similarly, sick leave will be granted to veterans to take physical examinations in connection with disability pensions, to have prosthetic devices fitted, and for similar purposes.
6. Contagious Disease. In determining whether an employee shall be granted sick leave because a family member is ill with a contagious disease and requires personal care, consideration shall be given to the relationship between the employee and the member of the family, whether they occupy the same living quarters, and the efforts made to obtain adequate care for the family member. The employee must furnish a copy of the local health regulations which shows that the particular disease or illness is subject to quarantine or requires isolation or restriction of the movement of the patient within the premises for a specified period of time. The employee also must submit acceptable proof that the family member is in fact ill with a contagious disease. If local regulations do not state how long a patient should be isolated or restricted to the premises, a medical certificate from the attending physician naming the disease or illness and giving the specific period of time during which the patient must be either quarantined, isolated, or restricted in movement must be submitted.

Leave Prior to Disability Retirement. An employee whose disability retirement has been approved by the Office of Personnel Management (OPM) may request and use all sick leave to his/her credit prior to separation. Similarly, an employee who is disabled and resigns, is separated or retired under another provision of law may request and use all accrued sick leave to his/her credit upon presentation of acceptable medical evidence supporting the disability.

Advanced Sick Leave. In cases of serious disability or ailment and when the particular situation warrants it, supervisors may grant advanced sick leave to an employee without regard to any annual leave to their credit.

1. Limitations. Advances of sick leave are subject to the following limitations:
  - a. The absence because of illness must be for a period of five or more consecutive workdays. However, the actual advance of sick leave may be for any part of the total absence. In unusual cases as determined by the

- approving official, advanced sick leave may be granted for an absence of less than five days; or for partial-day absence when an employee is convalescing from illness and is not able to work a full day.
- b. The amount of sick leave advanced may not exceed the amount required to cover the period of illness.
  - c. The maximum amount of sick leave which may be advanced to full-time employees is 30 days. In the event of another serious illness before liquidation of the original advance, an additional advance may be authorized not to exceed a total deficit of 30 workdays subject to, the same restrictions that applied to the original advance.
  - d. Part-time employees who have a regular tour of duty may be advanced sick leave on a prorated basis.
  - e. The amount of sick leave which may be advanced to full-time employees serving under a limited appointment or which will be terminated on a specified date shall not exceed the total sick leave he/she would otherwise earn during the term of his/her appointment.
  - f. The total amount of sick leave which may be advanced to an employee serving under a limited" d appointment shall not exceed the amount to be earned during the remaining period of the appointment.
  - g. Advanced sick leave will not be granted to an employee when it is known or when available information indicates that he/she does not intend to return to work or that his/her return is only a remote possibility (48 Comp. Gen. 676).
  - h. Advanced sick leave will not be granted to an employee who is absent because a family member has a contagious disease.
  - i. Advanced sick leave will not be granted to an employee who has filed, or for whom the Agency has filed, an application for disability retirement, or who has signified the intention of resigning for disability.
2. Requests. Each application for advanced sick leave must be supported by a medical certificate which gives a diagnosis and includes the physician's estimate of the length of time that the employee will be incapacitated for duty. Standard Form 71 or the memorandum requesting advanced sick leave which has been approved by the official who, has been delegated such authority must be retained by the time and attendance clerk.
3. Repayment. The total sick leave advanced must be charged against sick leave subsequently earned. Indebtedness for advanced sick leave may also be liquidated by a charge against an equivalent amount of annual leave, if requested in writing by the employee and the supervisor certifies in writing (SF-71) that annual leave would have been granted. Compensatory time granted in lieu of overtime may not be used to offset advanced sick or annual leave.

**Enforced Sick Leave.** Whenever an employee's, physical or mental condition prohibit the performance of duties and the employee is not willing to apply for sick leave, the official approving leave may place the employee on involuntary sick leave, annual leave, or leave without pay in that"order. Involuntary leave shall terminate when it is determined that the employee is able to return to duty. Enforced sick leave may not be used in a personal,

disciplinary-type situation when there is no emergency, regardless of whether the employee is able to work (see subparagraph 2e of Chapter 2). An employee should not be placed on involuntary sick leave if it involves an advance of sick leave, unless the action is supported by a medical certificate and meets other requirements cited in subparagraph c above. An employee shall not be required to furnish a medical certificate covering enforced sick leave.

**Requiring Additional Evidence of Illness.** When there is reasonable doubt as to the propriety of sick leave requests, the supervisor may require medical certificates for absences of three days or less and/or may require that the employee report the condition of his/her health each day during an absence from duty. The supervisor shall give the employee advance written notice when medical certificates are required for absences of three days or less, or when daily reporting is required. The requirement will remain in effect until revoked in writing, but will be reviewed not later than six months after issuance to determine if improvement warrants withdrawal of the letter.

**Failure to Furnish Additional Evidence.** When an employee has been notified that he/she must either provide a medical certificate for all the sick leave requests or report daily during an absence, and the employee fails to meet these requirements, the absence will be charged as absence without leave (AWOL). In justifiable cases, the absence may be charged to annual or sick leave, or leave without pay. The circumstances surrounding such approval, however, should be documented in writing. Failure to furnish the required additional evidence may be the basis for appropriate disciplinary action.

## **ACCRUAL**

Sick leave accrues to the credit of employees as follows:

- a. Full-time employees earn sick leave at the rate of one-half day for each full biweekly pay period.
- b. Part-time employees earn sick leave at the rate of one hour for each 20 hours in a pay status.

## **INDEBTEDNESS FOR ADVANCED SICK LEAVE**

Upon separation from the Federal service, employees are indebted for any advanced sick leave which has not been repaid except in the case of separation by death, retirement for disability separation because of disability which is supported by an acceptable medical certificate, or for active military service with restoration rights. The employee must refund the cash value of advanced leave, or the amount due for advanced leave will be recovered by deduction from any salary due, by claim against the individual's retirement account, or referral to the General Accounting Office.

## **ACCUMULATION**

There is no limitation on the amount of sick leave that employees may accumulate. Unused sick leave remains to an employee's credit and is available for use in succeeding



years. It is used in the computation of annuity for optional or discontinued service retirement, but cannot be used to qualify an employee for retirement and may not be credited as service time under the new Supplemental Retirement Plan (FERS).

### **CHARGING SICK LEAVE**

- a. **Minimum Charge.** The minimum charge for sick leave is one hour, and additional charges are in multiples of one hour. When the leave charge exceeds the period of absence, an employee may not be required to work during any part of the period for which leave is charged. Each period of absence must be considered individually on a calendar day basis. Absences over a period of two or more days may not be totalled to round out a leave charge.
- b. **Part-Time Employees.** Leave is charged only for absences occurring on the hours and days regularly scheduled for duty.
- c. **Holidays and Nonworkdays.** Leave may not be charged for absence on legal holidays, regular nonworkdays, or during periods when overtime has been scheduled.

### **SUBSTITUTION OF LEAVE**

- a. **Sickness During Annual Leave.** If sickness occurs within a period of pannual leave, the period of illness may be charged as sick leave. Each request for the substitution of sick leave for annual leave must be made no later than the date on which the employee initials the time and attendance report and the close of the pay period in which he/she returns to duty. If the period of illness is for more than three days, the employee must support the request with a medical certificate or other acceptable evidence.
- b. **Substitution of Annual Leave For Sick Leave.** Absence due to illness may be charged to accrued annual leave if requested in a timely manner by the employee and approved by the management official who has been delegated such authority. The Comptroller General has held, however, that annual leave cannot be substituted retroactively for sick leave, previously granted and documented, where the substitution is solely for the purpose of avoiding forfeiture of annual leave.
- c. **Substitution of Leave Without Pay for Sick Leave.** An employee is normally carried in a sick leave status while awaiting adjudication of a claim for disability compensation tinder the Federal Employee's Compensation Act. Upon approval of the claim, an employee may elect to substitute leave without pay retroactively and receive disability compensation for the period instead. Under such circumstances, the salary represented by the paid leave must be refunded.
- d. **Sickness While on Leave Without Pay.** An employee who becomes sick while in a leave without pay status is not eligible for sick leave. However, when an employee is incapacitated by illness and unable to report for duty on the date previously set, for return from leave without pay, the employee may be placed in a pay status on that date and granted sick leave.

## RECREDIT AND TRANSFER OF SICK LEAVE CREDITS

When an employee transfers without a break in service between positions subject to the Leave Act, the sick leave account shall be certified for credit or charge in the new position. When an employee has a break in service, unused sick leave will be reccredited at the time of reemployment if the break does not exceed three years. Sick leave may be transferred between different leave systems on an adjusted basis. All sick leave to the credit of an employee as of the date of retirement, which is reported to the Office of Personnel Management (OPM) for credit\* toward the calculation of the employee's annuity, is, to be considered as having been "used." Thus, no sick leave balance will remain, and the records must reflect this fact. In the event such a retired employee is subsequently reemployed, a starting sick leave balance is zero. Upon reemployment after service with a public international organization (with reemployment rights) or active military service, an employee's sick leave account is restored to its status at the time the employee left the U.S. Federal service.

*\* (This credit can only be applied to employees retiring under the Civil Service Retirement System (CSRS). Employees retiring under the Federal Employees Retirement System (FERS) cannot receive credit for unused sick leave.)*

# CHAPTER 4 - ABSENCE WITHOUT PAY

## 1. GENERAL

The types of absences without pay covered in this chapter are leave without pay and absence without leave. It does not apply to periods suspension or furlough.

## 2. LEAVE WITHOUT PAY

- a. Approval. Granting leave without pay is a matter of administrative discretion except in the case of disabled veterans who are entitled to leave without pay for medical treatment under Executive Order 5396 of July 17, 1930 (see Chapter 3), and reservists and National Guardsmen who are entitled to leave without pay, if necessary, to perform military training duties or to provide military aid to enforce the law under the provisions of Section 6323, Title 5, United States Code. Officials authorized to approve leave are listed in Chapter 1, subparagraph 4a.
  1. Brief Absences. Brief absences may be approved as necessary with a minimum charge of one hour of leave without pay.
  2. Extended Leave Without Pay.
    - a. Basic Considerations.
      1. Extended leave without pay (more than 30 days) involves certain costs and inconveniences to the Agency. Therefore, each request for extended leave without pay will be examined closely to assure that the employee's need and value to the Agency, or the employee's serious needs, are sufficient to offset these costs and administrative inconveniences.
      2. As, a basic condition to approval of extended leave without pay, there must be reasonable expectation. that the employee will return at the end of the approved period. In addition, it should be apparent that one of the following benefits would result: increased job ability; protection or improvement of employee's health; retention of a desirable employee; or furtherance of a program of interest to the Government.
      3. Some examples of the types of cases for which approval, of extended leave without pay would be appropriate are:
        - a. For full-time study, or research in, a line of work which is being performed by the Agency;
        - b. For recovery from illness or disability not of a permanent or disqualifying nature;
        - c. To protect employee status and benefits pending action on a claim for disability compensation which

resulted from a work related injury or illness, or during a period when an employee is receiving such compensation and it is anticipated that he/she will return to work; and

- d. To avoid a break in the continuity of service for employees who must relocate because they are dependents of servicemen or of Federal employees who are subject to rotation of assignment or transfer of function.
- b. Duration. The maximum initial period for which leave without pay may be authorized is 12 months. (This does not apply to employees on leave without pay during temporary assignments to State or local governments.) Requests for extension of leave without pay beyond 12 months will be reviewed more carefully than the original request. The total amount of leave without pay may not exceed 24 months unless recommended by the Assistant Administrator for Administration and Resources Management and approved by the Administrator or their designees.
- b. Documentation.
  - 1. 30 Calendar Days or Less; Requests for leave without pay for 30 calendar days or less must be submitted and approved on an SF-71, Application for Leave. The form is not required for absence of three days or less. Time and attendance reports will specify the exact dates of approved leave without pay.
  - 2. Excess of 30 Calendar Days.
    - a. Supporting Evidence. Requests for leave without pay in excess of 30 days, or extensions of original grants which exceed a combined total of 30 calendar days, must be supported by an Application for Leave, SF-71, and a written statement signed by the employee justifying the request for leave. If the request is made because of illness or disability, a medical certificate or other administratively acceptable evidence is required. The physician's prognosis regarding the employee's ability to resume normal duties at the expiration of the period of leave.
    - b. Procedures. Upon approval of leave without pay, the above documents shall be attached to an SF 52, Request for personnel Action, and forwarded to the servicing Personnel office for processing of an SF-SO, Notification of Personnel Action. Upon return to duty status from leave without pay, an SF-52 shall be submitted to, the operating personnel office for preparation of an SF-50 showing return to duty.

### 3. ABSENCE WITHOUT LEAVE (AWOL)

- a. When an employee is absent from duty without having the absence approved the absence may be charged to absence without leave (AWOL). Upon returning to

duty the employee must explain to the immediate supervisor at the earliest practicable time, the cause of the absence and the reason for his/her failure to obtain approval to be absent. If the explanation is not considered acceptable, the absence will be charged as absence without leave.

- b. When an employee has been notified in writing that a medical certificate is required to support all sick leave requests, and absents himself/herself from duty without furnishing a medical certificate, the absence will be charged as absence without leave.
- c. If disciplinary action appears warranted because of absence without leave, the supervisor will consult with the servicing personnel office regarding the procedures to be followed.
- d. Care should be taken to charge AWOL in increments of minutes actually absent from duty. If an employee is AWOL for 14 minutes then the record should reflect a charge of 14 minutes AWOL.

#### **4 . EFFECT OF ABSENCE WITHOUT PAY ON LEAVE ACCRUAL**

In any pay period, when a full-time employee's absence in a nonpay status equals the base pay hours in the pay period (80 hours in most cases) , annual leave credits are reduced in accordance with the current earning rate (4 hrs., 6 hrs., 8 hrs.) . Sick leave credits are reduced by 4 hours. Leave without pay balances of less than. the base hours in a pay period are not carried forward into the next leave year.

# **CHAPTER 5 - FUNERAL LEAVE**

## **GENERAL**

This Chapter provides Agency policy with regard to funeral leave, authorized by Section 6326 of Title 5, U.S.C. Funeral leave is granted to enable an employee to make arrangements for, or to attend the funeral or memorial service for an immediate relative whose death resulted from wounds or disease, or injury incurred while serving a member of the Armed Forces in a combat zone. It applies to all employees who have a regularly scheduled tour of duty.

## **GRANTING FUNERAL LEAVE**

- a. An employee will be granted funeral leave as is needed and requested without loss or reduction in pay or leave, to which the employee is otherwise entitled. The authorized leave may not exceed three workdays. The three days need not be consecutive, but, if not, the employee will furnish to the approving authority satisfactory reasons justifying a grant of funeral leave for non-consecutive days.
- b. The employee's request for funeral leave will be in writing and contain information necessary to determine eligibility for funeral leave under the provisions of this Chapter.
- c. Funeral leave may be granted only from a regularly scheduled tour of duty.

# CHAPTER 6 - MILITARY LEAVE

## GENERAL

Military leave is approved absence with pay from official duty for those employees who are members of the National Guard or Armed Forces Reserve components on days when they are on active duty, or active duty for training. Military leave is not authorized for periods of inactive duty training (e.g., weekly drills or meetings).

## ELIGIBILITY FOR MILITARY LEAVE

Both full-time employees and part-time career employees (defined in law as 16-32 hour tour per week) with permanent, taper, or term appointments, or temporary appointments of one year or more, are entitled to military leave.

## ACCRUAL/ACCUMULATION OF MILITARY LEAVE

- a. Military leave accrues for a full-time employee at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in succeeding fiscal years until it totals 15 days at the beginning of a fiscal year. This gives a full-time employee the potential of 30 days military leave during a fiscal year.
- b. For part-time employees with a fixed tour of duty, leave accrues on a prorated basis. A part-time employee who is regularly scheduled to work 20 hours a week is entitled to accrue 7 1/2 days of military leave per fiscal year. For other part-time tours of duty, the following formula should be applied;

*[ $15(N/40)=Y$ , with "N" being the number of hours worked per week and "Y" equal to the number of military leave days earned for each fiscal year.]*

There is no provision for charging military leave in increments of less than one day or for rounding off of a fractional day to a whole day. Credit for unused days may be carried forward into the next fiscal year if the amount carried does not exceed 15 days.

## EVIDENCE OF MILITARY LEAVE

An employee who requests military leave must provide the leave approving supervisor with a copy of the official orders establishing the military tour. These orders should be presented again when the employee returns to confirm that military duty was served" during the period of absence.

## MILITARY LEAVE APPROVAL IS MANDATORY

Approval of a leave request for military duty is normally mandatory. If an employee has exhausted all military leave, annual leave or leave without pay should be granted to cover the absence. In situations where an employee's absence on military leave would cause a severe hardship on the organization, management officials can write directly to the military authority involved and request that the employee's military duty be rescheduled. These occasions should be rare.

### **CHARGING MILITARY LEAVE**

- a. Military leave is charged on a calendar day basis, but non-workdays at the beginning or end of the period of leave are not charged to military leave. (i.e., an employee on military leave from Monday of one week through Friday of the following week would be charged for the intervening Saturday and Sunday, but not for the Saturday and Sunday immediately preceding and immediately after the period of military leave.) The same rule applies to Federal holidays. Intervening holidays are also charged to military leave.
- b. Military leave for part-time employees is charged just as it is for full-time employees. Military leave is charged for intervening non-workdays and holidays but non-workdays and holidays occurring at the start or close of the military leave period are not charged to military leave.

### **EXEMPTION FROM DUAL COMPENSATION RESTRICTION**

Employees absent on military leave receive regular civilian pay in addition to military pay and allowances. However, employees absent on military duty to serve in a law enforcement capacity will have their civilian pay reduced by the amount of pay received for military duty.

### **TYPES OF MILITARY DUTY**

- a. Employees are only eligible for military leave when the active duty is with a reserve component of the Armed Forces. These include, the reserves of the Army, Navy, Air Force, Coast Guard, Marine Corps, and the Army and Air National Guard.
- b. The following types of military duty do not qualify for military leave:
  1. Summer training as members of Reserve Officers Training Corps, when employees must be carried in a leave-without-pay status.
  2. Temporary Coast Guard Reserve.
  3. Participation in parades by members of the State National Guard.  
(Exception: by specific statute, members of the District of Columbia National Guard are entitled to military leave for participation in parades.)
  4. Training with the State defense organization which is not a part of the National Guard or any other organization created by the State in the absence of the State National Guard during an emergency.
  5. Weekly drills and meetings as members of D.C. National Guard



6. Civil Air Patrol - established as a civilian auxiliary of the United States Air Force.
7. Time taken on a workday to travel to the place where the training is to begin unless military training orders encompass the period of travel time required.
8. Active duty as a commissioned officer in the Reserve Corps of the U.S. Public Health Service.

# **CHAPTER 7 - COURT LEAVE**

## **GENERAL**

Court leave is the authorized absence, without charge to leave or loss of pay, of an employee from work status for jury duty, or for attending judicial proceedings in a non-official capacity as a witness on behalf of a State or local government, or as a summoned (subpoena) witness in a case involving the United States, the District of Columbia, a State or local government. (In order to qualify for court leave an employee must be summoned to appear. Otherwise the employee must apply for annual leave or leave without pay.)

The court or judicial proceeding may be located in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. The term judicial proceeding contemplates any action suit, or other proceeding of a judicial nature, but does not include an administrative proceeding.

## **LAW**

The provisions for granting court leave for jury or witness service (and the designation of certain witness service as official duty status), the provisions for crediting amounts received and the restrictions on receiving fees for this service, and the basic instructions governing travel expenses of witnesses are in Sections 6322, 5515, 5537, and 5751, respectively, of Title 5, United States Code.

## **AGENCY POLICY ON JURY SERVICE**

It is Agency policy not to ask that employees be excused from jury duty except in cases of true necessity. If an employee's absence will severely hamper Agency operations, the Division Director or higher level official may write directly to the court and request that the employee be excused or that service be deferred. Employees may request exemption for compelling personal reasons on their own initiative.

## **ELIGIBILITY FOR COURT LEAVE**

- a. Court leave for jury duty is granted to both permanent and temporary employees of the United States and the District of Columbia, both full-time and part-time, except for those employees on a substitute, when-actually-employed, or intermittent basis.
- b. If an employee is on annual leave when called for jury service, court leave should be substituted. An employee on annual leave under advance notice of separation due to a reduction-in-force who is summoned as a juror, is entitled to have otherwise proper court leave substituted for annual leave but such leave is not to extend beyond the fixed separation date.
- c. Substitutes, when-actually-employed and intermittent employees, who are not entitled to court leave may be granted any annual leave to which they might be

otherwise entitled or may be placed on leave without pay, for any absence from duty for such jury service.

- d. An employee on leave without pay, although otherwise eligible, may not be granted leave when called to jury duty. Court leave is only available for employees who, except for jury duty, would be on duty or in a paid leave status.

#### **DURATION OF JURY SERVICE**

An employee who is under proper summons to serve on a jury should be granted court leave for the entire period of obligation, regardless of the amount of time the employee is actually required to serve.

#### **JURY FEES**

An employee called to jury service should be instructed to collect all fees and allowances payable as a result of the jury service and forward them to the appropriate accounting office. The Agency shall apply these fees to offset some or all of the amount due the employee for the period of absence charged to court leave. The employee is entitled to keep any jury fees in excess of the amount received as compensation for court leave and all travel expenses. Should the employee fail to forward the fees received for jury service, payroll deduction should be initiated to recover the amounts involved.

#### **WITNESS IN OFFICIAL CAPACITY**

When an employee is summoned or assigned by the Agency, to testify in an official capacity or to produce official records at a judicial proceeding, the employee is in an official duty status, as distinguished from a leave status, and entitled to regular pay.

#### **WITNESS IN NON-OFFICIAL CAPACITY**

When an employee is summoned as a witness in a judicial proceeding to testify in a non-official capacity on behalf of a State or local government, the employee is entitled to court leave during that period of absence. When an employee is summoned or assigned by the Agency to testify in a non-official capacity on behalf of the United States Government or the government of the District of Columbia, the employee is in an official duty status as distinguished from a leave status and is entitled to regular pay. If the witness service is in a non-official capacity on behalf of a private party, the absence must be charged to annual leave or leave-without-pay and the employee may accept and retain fees and expenses incidental to the witness service.

#### **OVERTIME FOR WITNESS SERVICE**

Witness service performed in an official duty status on days for which the employee would have been entitled to receive overtime pay for service rendered in his/her civilian position entitles the employee to the same overtime pay.

# **CHAPTER 8 - PARENTAL LEAVE**

## **LAW**

Laws and regulations governing Federal leave policies do not contain a separate category for absence for maternity or paternity reasons. These absences are charged to sick leave, annual leave, or leave without pay, as appropriate.

## **GENERAL**

The Agency recognizes the interrelationship between personal life and job performances and the fact that an employee's maternal or paternal responsibilities are valid considerations in weighing leave requests. Supervisors are expected to carefully consider the needs and responsibilities of expectant parents, the parents of newborns or adoptive parents, and make every effort to accommodate these needs within the work requirements of the organization. However, employees are expected to report their leave requirements well in advance to enable supervisors to make workload adjustments as necessary.

## **PARENTAL LEAVE**

To the extent available, sick leave may be used to cover the time required for physical examinations and the period of incapacitation. An employee's absence resulting from incapacitation because of pregnancy or childbirth is to be treated like any other medically certified temporary disability. Assuming all other conditions are met, employees may be granted advanced sick leave. All other absences related to parenting are to be charged to compensatory time, annual leave or leave without pay (LWOP).

# **CHAPTER 9 - EXCUSED ABSENCE**

## **DEFINITION**

An excused absence is an absence from duty without loss of pay and without charge to the employee's leave account. It is synonymous with the term "administrative leave" and is distinct from absence for officially sanctioned purposes from the employee's usual worksite" or regular duties. The distinction is that an employee, while on excused absence, is not acting within the employer - employee relationship and is not deemed to be subject to the control or responsibility of the Agency as an employer. Employees who are performing certain representational functions or are conducting the business of organizations recognized by the Agency (e.g., credit union, blood mobile or the Combined Federal Campaign) generally are considered to be acting within the employer - employee relationship.

## **AUTHORIZATION FOR EXCUSED ABSENCE**

- a. In individual cases, the provisions of this chapter permit a leave approving official to grant excused absence subject to any restrictions imposed by the Agency.
- b. When excused absence for less than one whole workday is administratively granted, (e.g., for early dismissal because of weather conditions for reviewing parades, to welcome visiting dignitaries, and for similar reasons), and the period of excused absence is preceded and/or followed by official worktime, the employee must be in active duty status for any worktime contiguous to the period of excused absence in order to receive the benefit of the excused time. Employees on leave will not receive credit for any excused absence granted that day.

## **TARDINESS AND BRIEF ABSENCE**

Tardiness and other brief absences from duty (for less than one hour) may be handled administratively in any of the following ways: (1) by excusing employees for adequate reasons; (2) by requiring additional work equivalent to the period of absence or tardiness; (3) by charge (in units of one hour against any compensatory time which the employee may have to his/her credit; (4) by charge (in units of one hour) against annual leave; (5) by placement on leave without pay (in units of one hour); or (6) by recording the absence as absence without leave (AWOL) (AWOL must only be charged and recorded in actual minutes of absence from duty). Participation in civic, patriotic, or community activities which are infrequent and of limited duration, such as viewing a parade, welcoming visiting dignitaries, dedication ceremonies, and emergency actions to save life or property, are ordinarily adequate justification for excusing an employee's brief absence.

## **ABSENCE FOR VOTING AND REGISTRATION**

It is the policy of the Agency to excuse employees for a reasonable time to vote or register in any elections or in referenda on civic matters within their community when practicable to do so without unduly interfering with operations.

- a. In general, where the polls are not open at least three hours before or after an employee's regular hours of work, the employee may be granted an amount of excused absence which will permit reporting for work within three hours after the polls open or leaving work within three hours before the polls close, whichever requires less excused absence.
- b. Where it is necessary to enable the employee to vote, a greater amount of excused absence up to eight hours may be granted.
- c. In jurisdictions where registration in person is required and it is not practicable to register to vote on a nonworkday, an employee may be granted up to eight hours of excused absence to register.
- d. Excused absence may be granted as necessary for an employee to prepare and have certified an absentee ballot, if these activities cannot be done during nonworking hours.

#### **ABSENCE FOR CONVENTIONS OR CONFERENCES**

Employees who are authorized to attend conferences, conventions or meetings in connection with and as part of their official duties are in a duty status, and no grant of excused absence is necessary. If the convention, conference or meeting is not directly related to the employee's official duties but attendance will contribute to the goals of the Agency, it is within the discretion of the leave granting official to excuse employees without charge to leave or to grant annual leave or leave without pay for such purposes. The leave and duty status of an employee who attends a meeting, conference, or convention should be clearly established in advance.

#### **ABSENCE TO TAKE EXAMINATION**

Excused absence may be granted at the discretion of the leave approving official for taking examinations (e.g., the CPA exam, bar exam) which are directly related to the employee's current or prospective duties within the Agency.

#### **ABSENCE FOR MEDICAL EXAMINATION**

An employee may be excused to take a medical examination in connection with his/her continued employment in the Agency.

#### **PARTICIPATION IN FUNERAL CEREMONIES**

Employees who are veterans of any war, campaign, or expedition for which a campaign badge has been authorized, or who are members of honor or ceremonial groups of such veterans, may be excused for up to four hours in any one day to participate as pallbearers, members of a firing squad, or guards of honor in funeral ceremonies for members of the

Armed Forces whose remains are returned from abroad for final interment in the United States. Other veterans who attend the funerals of deceased veterans as members of firing squads or guards of honor may also be excused from duty on the same basis and to the same extent.

### **TREATMENT OF ON-THE-JOB INJURY**

An employee injured on the job will be excused for an initial medical examination and for immediate treatment by a Government physician or at an authorized, treatment facility. Additional excused absence for follow-up treatment of job-related injuries may be granted for partial workdays on which the employee is in a duty status.

### **TREATMENT FOR ILLNESS OCCURRING DURING WORKING HOURS**

An employee who becomes ill during working hours may be excused for up to one hour for consultation and treatment in the nearest Government health unit or emergency room.

### **BLOOD DONATIONS**

Employees who donate blood to the Red Cross, or in emergency situations to local hospitals or blood banks of nonprofit institutions, will be excused from duty for up to four hours to donate blood (not including the lunch period) unless their presence at work is required by the press of business.

### **EMERGENCY CONDITIONS**

#### **a. Hazardous Weather Conditions**

##### **1. Policy.**

- a. When hazardous weather conditions, such as heavy snow, icing, or hurricane, result in the closing of Agency Offices for one or more whole days, all employees of offices affected by the closing, except those determined in advance to be performing critical functions, will be excused, from work without charge to leave, including employees who would otherwise have been on approved leave.
- b. When hazardous weather conditions result in the late opening of Agency offices, all employees of the affected offices who report for duty when the offices open will be excused for the period of the closing. In addition, tardiness beyond the designated time of opening may be excused at the discretion of the leave approving official if the employee has made a reasonably diligent effort to get to work on time.
- c. When hazardous weather conditions result in the early closing of Agency offices, employees who are in a duty status at the time of the closing will be excused for the period of closing. Employees who are on duty when an early closing is formally announced but

who leave before the announced closing time shall be charged leave for the period of absence between their departure and the announced closing time. Employees who do not report for duty or who leave before an early closing is formally announced will not be granted any excused absence, but will be placed on annual leave or leave without pay for the entire period of their absence.

2. Procedure and Authority

a. Washington, D.C. Metropolitan Area

The Deputy Director, Office of Personnel Management, or his/her alternate will make the determination whether Federal offices in the District of Columbia metropolitan area should be closed because of hazardous weather conditions. The Deputy Director's decision will be formally announced to the Directors of Personnel and to the media. If the announcement of closing occurs during working hours, the Director of Personnel, or his/her designee, will notify Agency personnel. Officials and employees should refrain from calling the Office of Personnel Management and offices responsible for making or communicating decisions concerning the closing of offices, to avoid congestion of telephone lines and possible delay in the transmission of emergency messages.

b. Regions & Field Offices

Each facility is authorized to make appropriate arrangements to excuse its employees in offices outside metropolitan area because of hazardous weather conditions.

- b. Hot and Cold Working Conditions. Dismissals due to excessive heat or cold should be rare. Employees are expected to work if conditions at the place of work are reasonably adequate, although these conditions may not be normal and may involve minor discomforts. Individual employees affected by unusual levels of temperature to the extent that they are incapacitated for duty, or to the extent that continuance of duty could adversely affect their health, may be granted annual or sick leave. Before excused absence may be granted, it must be clearly established by reasonable standards of judgment that the conditions are such as to actually prevent working. Such matters as the physical requirements of the positions involved and the temperatures of the work areas should be considered.
- c. Other Emergency Conditions. It is within the discretion of the head of an operating facility or his/her designee, to excuse the absence of employees due to emergency conditions for up to five workdays for one or more incidents of emergency within a 30 calendar day period. This discretionary authority should be exercised only where (a) conditions at the place of work are clearly inadequate; (b) employees are or would be prevented from reporting to work despite reasonable efforts or (c) local government officials have requested that operations be shutdown because of emergency conditions.

**NOTICE PERIOD PRECEDING A REMOVAL OR INDEFINITE SUSPENSION**



When an employee's removal or indefinite suspension is proposed, and the employee's continued presence at the worksite during the notice period would constitute a threat to public property or the health and safety of coworkers or the public, the employee may be placed on excused absence during the time required to effect the action.

#### **NOTICE PERIOD PRECEDING A REDUCTION-IN-FORCE.**

Employee's who have received a general or specific notice of reduction in force may be granted excused absence for interviews for prospective positions within the Agency, during the notice period.

#### **TESTIMONY AT ADMINISTRATIVE PROCEEDINGS**

Employees called to testify at hearings conducted by the Merit Systems protection Board, duly appointed arbitrators or grievance examiners, are considered to be working within the employer - employee relationship, and are not on excused absence as the term is used in this section.

# APPENDIX - DEFINITIONS

1. **ABSENCE WITHOUT LEAVE (AWOL)**  
A nonpay status which results when a supervisor determines that any type of leave (sick, annual, or leave without pay) will not be granted to an employee for a period of absence for which the employee did not obtain advance approval or for which the request for leave had been denied.
2. **ACCRUED LEAVE**  
Leave earned by and credited to an employee during the current leave year.
3. **ACCUMULATED LEAVE**  
Unused leave remaining to the credit of an employee at the beginning of the first complete pay period occurring in any calendar year.
4. **ARMED FORCES**  
The Army, The Navy, The Air Force, The Marine Corps, and The Coast Guard.
5. **5. BREAK IN SERVICE**  
A separation from the Federal service for one or more workdays.
6. **6. COMBAT ZONE**  
Those areas in which Armed Forces of the United States are or have been engaged in combat as determined by the President in accordance with Section 112 of the Internal Revenue Code of 1954.
7. **7. CONTAGIOUS DISEASE**  
A disease which is ruled as subject to quarantine or required isolation of the patient, or which requires restriction of movement by the patient for a specific period, as prescribed by the appropriate public health authorities.
8. **8. IMMEDIATE RELATIVE**  
Spouse, parents, brothers, sisters and their spouses; children, including adopted children, and their spouses; and any person related by blood or affinity whose close association, with the employee can be regarded as the equivalent of a family relationship.
9. **9. LEAVE DAYS**  
Days upon which an employee would otherwise work and receive pay. Leave is chargeable only for absence on days which are scheduled as a part of the employee's regular tour of duty. Leave is not charged for absence on holidays, non-workdays, or during periods, scheduled for overtime.
10. **10. LEAVE WITHOUT PAY**  
A temporary nonpay status duty which has been approved by the appropriate official at the employee's request, for days when an employee is scheduled to work.
11. **11. LEAVE YEAR**  
The period from the beginning of the first complete pay period in a calendar year to the beginning of the first complete pay period in the following calendar year.
12. **12. MEDICAL CERTIFICATE**  
A medical certificate is a written statement signed by a registered practicing physician or other practitioner, certifying the incapacitation, examination, or

treatment of an employee, or the period of disability during which the patient was receiving professional treatment.

**13. 13. EXCUSED ABSENCE**

An absence from duty administratively authorized without loss of pay and, without charge to leave. It is synonymous with the term "administrative" leave.



CONDUCT AND DISCIPLINE

1. PURPOSE. This Order prescribes policies governing employee conduct and corrective disciplinary actions in the Environmental Protection Agency.
2. REFERENCES.
  - a. Federal Personnel Manual, Chapter 751, "Discipline".
  - b. EPA order 3120.3A, dated March 18, 1980, "Employee Alcoholism and Drug Abuse Program".
  - c. FPM Letter 751-2, dated February 4, 1983, "Taking Action on the Problem Employee".
  - d. FPM 751-3, dated October 6, 1983, Suggested Table of Actions or Correcting Employee Misconduct".
  - e. EPA order 3110.6B, dated July 29, 1985, "Adverse Actions".
3. GENERAL. The Environmental Protection Agency requires all its employees to adhere to the Agency Regulations on Employee Responsibilities and Conduct (40 CFR, Part 3) and to maintain levels of behavior and efficiency which conform to the highest ethical standards and promoted the interest of EPA and the Federal Service. Likewise, all managers and supervisors are responsible for maintaining a climate of constructive discipline within their organizations by good example and practice, clear instruction, fair and equal treatment of all employees, and firm and decisive leadership.
4. POLICY. It is EPA policy that primary emphasis be placed on preventing situations requiring disciplinary actions through effective employee-management relations and that when work performance and/or conduct are not maintained at acceptable levels, constructive corrective action be taken by responsible supervisors on a timely basis.
5. DETERMINING CORRECTIVE ACTION TO BE TAKEN. All EPA supervisors and management officials are responsible for taking appropriate corrective actions for which they have been delegated authority and for recommending to higher level officials disciplinary action considered appropriate in other cases. Any supervisor or management official with supervisory duties may take informal corrective actions (paragraph 6 below) and issue official written reprimands (subparagraph 7a below) unless these authorities have been specifically withheld. The following principles will be observed in the exercise of both formal and informal corrective actions:

- a. The action taken must be consistent with the precept of like penalties for like offenses, with mitigating or aggravating circumstances taken into consideration. The action taken should be fair and equitable; and if a penalty is warranted, it should be no more severe than sound judgment indicates is required to correct the situation and maintain discipline. The Appendix to this Order should serve as a guide to appropriate actions for most offenses.
  - b. No action may be taken against an employee on any basis prohibited by 5 U.S.C. 2302, "Prohibited Personnel Practices".
6. INFORMAL CORRECTIVE ACTIONS. When a supervisor decides that corrective action is necessary, he or she should first consider informal measures which are non-punitive in nature but which will adequately instruct offending employees and remedy problem situations. Supervisors are urged to review the facts of individual cases and consider one or more of the following informal measures before formal corrective actions, which are recorded in an employee's official personnel folder, are used.
  - a. Closer Supervision. The correction of employee misconduct may require nothing more than closer supervision. The supervisor should inform the employee of the reason for the closer supervision and encourage the employee to cooperate to remedy the problem.
  - b. Oral Admonishment. The most common corrective action is usually the face-to-face session between employee and supervisor. Such discussions should be conducted in private to avoid undue embarrassment to the employee. The tone should be informal and relaxed. The supervisor should advise the employee of the specific infraction or breach of conduct and encourage the employee to explain his or her side of the matter or offer any comment he or she wishes to make. After listening to the employee, the supervisor must decide if he or she should continue. If still warranted, the supervisor should administer the admonishment and outline what steps he or she feels are necessary to preclude its recurrence.
  - c. Written Warnings. A written warning should describe exactly what improper actions the employee is engaging in, outline positive corrective steps and state what penalty might result if the actions continue. A copy of the written warning is not placed in the employee's official personnel folder, but a copy should be retained in the supervisor's personal files. Written warnings are often effective in influencing those employees who require a tangible expression of a supervisor's views. This kind of corrective action lacks the give and take of the oral interview and should usually be employed only if the supervisor has already tried an oral warning or feels that it would be inappropriate.

7. FORMAL DISCIPLINARY ACTIONS. A formal disciplinary action may be an official written reprimand, a suspension, a change to a lower grade, or removal from the civil service. Records of formal disciplinary actions become a part of the employee's official personnel folder. Supervisors should initiate such actions only after coordinating any proposed action with their servicing Personnel Offices. Detailed information concerning formal disciplinary actions is contained in the paragraphs below.
- a. Official Written Reprimand. An official written reprimand is a letter or memorandum issued to an employee by an authorized supervisor or management official to correct an employee's conduct, attitude, work habits, or other factors which have a relationship to his or her employment, and to maintain the efficiency, discipline, and morale of the work force. It is filed in the employee's official personnel folder for a period of up to two years. This type of disciplinary action may be used for a situation or offense which is (1) serious and warrants more than an informal measure, or (2) in the case of repeated infractions of a minor nature. (It should not be confused with the written warning discussed in subparagraph 6c above.) Before issuing an official reprimand, the supervisor must fully discuss the incident with the employee to permit the employee to present his or her side of the situation. If after the employee presents his or her views, the supervisor considers a reprimand to be warranted, the supervisor should prepare the written reprimand in accordance with subparagraph 7a (1) below. (See sample in Figure 1.)
- (1) Contents. The following information shall be incorporated in the body of an official reprimand:
- (a) A description of the facts in sufficient detail to assure that the employee will fully understand the violation, infraction, misconduct, or other action or omission for which he or she is being reprimanded. The supervisor should include in the reprimand specifics as to times, places, dates, and events, and refer to the discussion mentioned in subparagraph 7a above.
  - (b) A statement that the document is an official reprimand and that it will be made a matter of record and filed in the employee's official personnel folder for a period not to exceed two years.
  - (c) A restatement of any former incidents if the reprimand is a follow-up of previous offenses and the action is a continuation of constructive discipline. If the employee failed to take any remedial action previously stipulated, that fact should also be included.

- (d) A warning that any future similar occurrence or other misconduct may result in more severe disciplinary measures.
  - (e) Assistance which is available to the employee for remedial purposes or as a means of helping him or her overcome the deficiency and avoid future recurrence, and any action required of him or her.
  - (f) A statement that the employee may file a grievance under the Agency's Administrative Grievance System contained in EPA Order 3110.8 or under an applicable negotiated grievance procedure, whichever applies.
- (2) Placement and Retention of Reprimand in Official Personnel Folder. The supervisor shall retain a copy of the reprimand and forward one copy to the servicing Personnel office for filing in the employee's official personnel folder. If decided later through the grievance procedure that the reprimand is not warranted, the reprimand must be withdrawn by the Personnel Office from the personnel folder and the employee notified by the Personnel Office of such action. Once the reprimand is removed, it shall be destroyed and regarded as never having occurred. Reference may not be made to the withdrawn action as a previous official action, and the reprimand may not be used or relied upon to support a subsequent action. Unless withdrawn earlier, a written reprimand shall be removed from the official personnel folder no later than two years from the date of issuance. A reprimand which is removed from the OPF after two years may be referred to in a subsequent adverse action.
- b. More Severe Disciplinary Actions. The following corrective actions are considered adverse personnel actions and require that the procedures in EPA Order 3110.68, Adverse Actions, be followed. Supervisors must consult with their servicing Personnel office in advance of any proposal to take an adverse action against an employee.
- (1) Suspension. Suspension is placing an employee in an involuntary non-duty and non-pay status. Since suspensions result in a loss of productive capacity to the EPA and represent a financial loss to employees, they should be imposed as disciplinary actions only after admonitions or reprimands have been used without success or when the offense requires a more stringent corrective action.



- (2) Reduction in Grade. While most actions to reduce compensation and most changes to lower grade will not be for the purpose of disciplining employees, a change to lower grade for cause is a valid disciplinary penalty. There may be instances in which the employee's conduct warrants demoting him or her from the position but not removing him or her from the service.
  - (3) Removal. Actions to remove employees from their positions are appropriate when an employee's misconduct, delinquency, carelessness, or negligence are such that a separation from the service must be effected in order to promote the efficiency of the service. Fighting, repeated or prolonged leave abuse, theft, falsification of official documents, repeated infractions involving less severe misconduct, or major violations of Agency codes of conduct are examples of conduct which may require removal from the Federal Service.
- 8. DISCUSSIONS WITH EMPLOYEES. Where a labor organization has been accorded exclusive recognition, it has the right to be represented at formal discussions between supervisors or management officials and employees concerning grievances, personnel policies and practices, or other matters affecting general working conditions of employees in the particular unit of recognition. Individual counseling sessions concerning individual problems, actions or work performance conducted by a supervisor with a unit employee are not formal discussions, and there is no requirement that the union be given the opportunity to be represented. However, if the situation involves questioning that the employee reasonably believes may result in disciplinary action against him or her, the employee may request union representation (5 U.S.C., 7114(a)(2)(B)). Any questions about meetings with employees and invitations to exclusive union representatives to attend meetings should be discussed with the appropriate servicing personnel office prior to holding such meetings.
- 9. SPECIAL CONSIDERATIONS: ALCOHOL, DRUGS, AND OTHER PERSONAL PROBLEMS. In discussing a conduct or performance problem with an employee, he or she may introduce a problem with alcohol or drugs, or a personal situation which is affecting conduct or performance. In other cases, a supervisor may only suspect the existence of alcohol or drug abuse or a personal problem as the reason for a deficiency. In either of the above situations, supervisors should immediately contact their servicing Personnel Office for guidance and advice on the appropriate steps. In cases of alcohol and drug problems, the Agency is specifically required to offer rehabilitative assistance. Policies and procedures related to the Agency Employee Alcoholism and Drug Abuse Program are contained in EPA Order 3120.3A, dated March 18, 1980.

Howard M. Messner /S/  
Assistant Administrator

EPA ORDER

3120.1  
9/26/85

for Administration and  
Resources Management

## Welcome to ECOMP

ECOMP is a web-based application accessible via the Department of Labor's public Internet site. Through this portal, federal workers and their employers may:

- ♦ Electronically file incident reports and workers compensation forms;
- ♦ Track the exact status of any form or document submitted via ECOMP and
- ♦ Electronically upload and submit documents to existing DFEC case files.

Please note that some OWCP services are not a part of ECOMP and are accessed separately.

For Medical Billing Information including authorizations, visit:

<http://owcp.dol.acs-inc.com/>

If you have questions contact your local DFEC District Office. For a listing of offices, visit:

<http://www.dol.gov/owcp/contacts/fecacont.htm>



### Human Resources

EPA Workers' Compensation Contacts, visit:

<http://intranet.epa.gov/ohr/benefits/workerscomp/coordinators.htm>

# ECOMP



*The Employees' Compensation & Management Portal*

### Environmental Protection Agency

<https://ecomp.dol.gov>

## Filing Forms Using ECOMP

### Getting Started

The Employees' Compensation Operations & Management Portal (ECOMP) allows Federal employees to file claims for benefits under the Federal Employees' Compensation Act (FECA) online. You will begin by registering with the ECOMP web site: <https://ecomp.dol.gov>

1. Click the green Sign-In/Register button in the middle of the screen.

**Sign In / Register**

2. Enter your personal information including your name, email address, your supervisor's email address, and choose your agency information.
3. Once you have completed the registration information, click the Create Account button.

**Create My ECOMP Account**

4. Go to your email and complete your registration by clicking the provided link to confirm your email.

**Providing accurate information during registration is very important.**

**If you need help with the ECOMP interface, visit:**

<https://ecomp.dol.gov/>

### Filing a New Workers Compensation Claim

As a Federal employee you may file a form CA-1 or CA-2 via ECOMP. You start this process by clicking the green button at the top of your dashboard.

Choose your Duty Station by using the drop down menus on the next screen.

Which part of the government were you working for at the time of your injury or illness? :

Department	NATIONAL AERONAUTICS SPACE ADMINISTRATION	- Filter by State -
Agency Group	Select Agency Group	
Agency	Select Agency	
Duty station		

Once completed, you will be able to access the form CA-1 or CA-2 by clicking the green button on the bottom of the screen:

**File a CA-1 or CA-2**

After you have filled out all required fields in your CA-1 or CA-2 and electronically submitted it to your supervisor, you will be notified of your form's progress in ECOMP every step of the way via email. The final email you receive will provide you with your OWCP case number.

You can also monitor your ECOMP forms via your claimant home page. Simply log in to your ECOMP account.

Additional help and training materials for filing claims in ECOMP can be found here:

<https://ecomp.dol.gov/>

### Filing a Form CA-7 in ECOMP

ECOMP also allows Federal employee users to file CA-7 wage loss compensation claims via the portal. CA-7 forms may be filed for cases created in ECOMP and for cases created outside ECOMP.

For cases created in ECOMP, you log in to your ECOMP account and find the CA-1 or CA-2 form for which you want to file a CA-7. Note: you can only file a CA-7 if the form has been created as a case by OWCP.

Case created by DFEC	You can file a claim for wage loss compensation (CA-7) for this case.
mt	06/01/2011 02/24/2012
events	More

- Click the CA-7 link in the bubble next to the form's listing to begin the process.

For cases created outside of ECOMP, click the blue button at the top right hand side of the screen to locate an existing case and file your CA-7.

**File New CA-7 for a Case Not Listed**

After you have filled out all required fields in your CA-7 and electronically submitted it to your supervisor, you will be notified of your form's progress every step of the way via email.

Additional help and training materials for filing CA-7 claims in ECOMP can be found here:

<https://ecomp.dol.gov/>